

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
August 14, 2012, AND September 11, 2012**

The Eligibility and Disciplinary Committee (Committee) convened on August 14, 2012 and September 11, 2012. This report collectively summarizes the matters and decisions made at the time of the meeting¹.

Petitioners for Licensure

The Committee considered seven (7) petitions for licensure:

1. Petitioner filed a petition for licensure based on a mental health diagnosis. Petitioner provided a statement from her treating physician that indicated she is stable without any intervention from him and her psychiatric file has been closed due to inactivity. Petitioner was not enrolled in a nursing program at the time of Petition.

Petitioner appeared in person. The Committee voted to ***grant*** the petition for licensure without the need for an Agreed Order. However, should any new activity occur, Petitioner must notify the Board immediately.

2. Petitioner filed a petition for licensure based on the misdemeanor offense of Theft of Property committed in 1996, the misdemeanor offense of Driving While Intoxicated in 1998, the misdemeanor offense of Minor in Possession of Alcohol in 1998, the felony offense of Vandalism in 2000, the misdemeanor offenses of Simple Battery and Public Indecency/Indecent Exposure in 2001, the misdemeanor offense of Driving While Intoxicated-2nd in 2002, the misdemeanor offense of False Report to a Police Officer/Law Enforcement Employee and Prohibited Weapons Switchblade/Knuckles in 2003, the misdemeanor offense of Public Intoxication in 2005, the felony offense of Burglary of a Habitation in 2007, the misdemeanor offense of Possession of Marijuana in 2007, the misdemeanor charge of Unlawfully Carrying a Weapon in 2007 and a misdemeanor charge of Possession of Marijuana in 2009. For the misdemeanor offense in 1996, Petitioner was placed on probation for a period of three (3) months. For the misdemeanor offense in 1998, Petitioner was placed on probation for a period of twelve (12) months. For the second misdemeanor offense in 1998, the case was dismissed. For the felony offense in 2000, Petitioner was sentenced to thirty (30) days jail time. For the misdemeanor offenses in 2001, Petitioner was sentenced to ninety (90) days jail time. For the misdemeanor offense in 2002, Petitioner was sentenced to three (3) days jail time, a fine and court costs. For the misdemeanor offenses in 2003, Petitioner was

¹ This report should be reviewed in order to keep apprised of issues and decisions so that the Board may remain consistent with precedent.

sentenced to ten (10) days jail time, a fine and court costs. For the misdemeanor charge in 2005, the case was dismissed. For the felony and misdemeanor charges in 2007, Petitioner was acquitted by reason of insanity and sentenced to thirty (30) days in a state mental health hospital. For the misdemeanor charge in 2009, Petitioner was placed on probation for six (6) months. Petitioner was not currently enrolled in a nursing program at the time of Petition.

Petitioner appeared in person. The Committee voted to **deny** the petition for licensure.

3. Petitioner filed a petition for licensure based on the felony offense of Burglary of Habitation with Intent to Commit committed in 2006. Petitioner entered a plea of guilty. As a result of the plea, proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation for a period of five (5) years. On or about September 13, 2010, Petitioner was discharged from probation. Petitioner was not enrolled in a nursing program at the time of Petition.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, 4, 5, 6, 6a, and 10 for one year.

4. Petitioner filed a petition for licensure based on the felony offense of Unauthorized use of a Vehicle in 2006 and a misdemeanor Theft of Property charge in 2006. Petitioner entered a plea of guilty to the first offense. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation for a period of two (2) years, and ordered to pay a fine and court costs. However, Petitioner's probation was revoked, a judgment of Guilt was entered, and Petitioner was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of six (6) months, with a credit of forty-two (42) days given. Petitioner pled nolo contendere to the second offense. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation for a period of six (6) months, and ordered to pay a fine and court costs. On or about September 28, 2007, Petitioner was discharged from probation. Petitioner was not enrolled in a nursing program at the time of Petition.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, 4, 5, 6a, and 10 for two years.

5. Petitioner filed a petition for licensure based on the felony offense of Theft of Property in 2004. Petitioner pled guilty to the offense. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation for a period of three (3) years, and ordered to pay restitution along with a fine and court costs. On or about November 10, 2011, Respondent's probation was extended until November 17, 2012. Petitioner was not enrolled in a nursing program at the time of this Petition, but has since graduated from a nursing program.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 4, 5, 6, 6a, 10, and 15 for two years.

6. Petitioner filed a petition for licensure based on the felony offense of Possession of a Controlled Substance in 2009. Petitioner entered into an agreement to participate in a Pre-trial Diversion program for a period of two (2) years. On or about September 1, 2011, the case was dismissed because Petitioner was complying and completed the terms of probation. Petitioner was not enrolled in a nursing program at the time of Petition.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 4, 5, 6, 6a, 7, 8, 10, 11 and 12 for two years.

7. Petitioner filed a petition for licensure based on a previous Board Order issued by the Colorado Board of Nursing. On or about March 23, 2001, Petitioner completed the requirements outlined in the Stipulation and Order issued by the Colorado Board of Nursing. Petitioner holds or has held a license in the states of Colorado and Florida.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure without the issuance of a Board Order.

Petitioners for an Exception to a Previous Board Order

The Committee considered seven (7) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order issued in December, 2009, requesting that she be issued an unencumbered license. It was the Committee's decision to **grant** the request under the following conditions: Petitioner must submit to random drug screens for three months.
2. Petitioner requested an Exception to a previous Board Order issued in March, 2010, requesting that he be issued an unencumbered license. It was the Committee's decision to **grant** the Petitioner's modified request. Petitioner may complete the remainder of his Board Order by being supervised by a Registered Nurse or physician.
3. Petitioner requested an Exception to a previous Board Order issued in September, 2011, requesting that his limited license be lifted. It was the Committee's decision to **grant** the request under the following conditions: While under the terms of this Order, Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics; Petitioner shall notify present/future employers of the board order; shall submit notification of employment; and shall provide employer reports; Petitioner shall have direct supervision for the first year and indirect supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall not work in critical care for the first year, but may work in an operating room and may not

work on call; Petitioner shall not administer drugs for the first year of the order; Petitioner shall abstain from drugs and alcohol and submit to random drug screens for the duration of the order; Petitioner shall submit therapy reports and participate in a support group.

4. Petitioner requested an Exception to a previous Board Order issued in October, 2011, requesting that she be released from the Texas Peer Assistance Program for Nurses (TPAPN). It was the Committee's decision to **grant** the request and find the terms of the of the October, 2011 Board Order fulfilled.
5. Petitioner requested an Exception to a previous Board Order issued in June, 2010, requesting that he be allowed to work in New Mexico as a contract nurse. Petitioner did not appear, and no action was taken. The order issued June, 2010, stands.
6. Petitioner requested an Exception to a previous Board Order issued in April, 2011, requesting that she be allowed to work in a long term care facility. It was the Committee's decision to **deny** the request.
7. Petitioner requested an Exception to a previous Board Order issued in October, 2010, requesting that the specific details of her mental health breakdown be removed from her Board Order. Petitioner was not in attendance. It was the Committee's decision to **deny** the request, and the Board Order issued in October, 2010 stands.

Motions for Rehearing

The Committee considered seven (7) motions for rehearing:

1. Movant filed a timely Motion for Rehearing in this matter. Movant stated that she forgot to change her address and admits her mistake. Movant stated that she admits to the formal charges. It was the Committee's decision to **grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).
2. Movant filed an untimely Motion for Rehearing in this matter. Movant stated that her failure to answer was unintentional, although she claims it was to remain safe from her husband. Movant stated that she admits to the formal charges, and that all issues were caused by her now ex-husband. It was the Committee's decision to **grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).
3. Movant filed a timely Motion for Rehearing in this matter. Movant stated that she moved in to take care of her elderly grandmother and did not change her address. Movant stated all allegations against her are false. Movant states she has been and continues to be responsible for her mental health issues. It was the Committee's decision to **grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).
4. Movant filed an untimely Motion for Rehearing in this matter. Movant appeared by phone. Movant stated she had mailed an address change, but could not explain why

the Board did not receive it. Movant stated she pled guilty to possession of methamphetamine and other crimes, but also stated she has been in rehabilitation and is clean and sober. Movant did not provide information sufficient to comply with Board Rule 213.16(j); therefore, it was the Committee's decision to **deny** the motion.

5. Movant filed a timely Motion for Rehearing in this matter. Notice was sent to correct address, Movant states she did not receive postal notice. Movant stated she spoke with Diane Burell and was told she would be removed from the default docket, and was not told to file a response. Movant disputes the charges and states the tramadol was for an abscessed tooth. It was the Committee's decision to **grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).
6. Movant filed an untimely Motion for Rehearing in this matter. Movant provided a copy of an e-mail she sent to Diane Burell notifying her of a change of address; Ms. Burell's name is misspelled, and the e-mail was never received. Movant states her grandmother was supposed to have paid her fine. Movant moved out of state and did not complete the jurisprudence course. It was the Committee's decision to **deny** the motion, as the Movant did not provide information sufficient to comply with Board Rule 213.16(j).
7. Movant filed an untimely Motion for Rehearing in this matter. Movant stated that although she knew of the investigation, and she sent an address change, the Board sent the notice of hearing to her old address. Movant denies any mental health disorder and blames allegation of bi-polar diagnosis on an abusive ex-husband. Claims that since she left her husband, all mood issues she was experiencing have stopped. It was the Committee's decision to **grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).

Orders Ratified:

One hundred forty-two (142) disciplinary agreed orders were approved.

Four (4) reinstatement agreed orders were approved.

Thirty-four (34) eligibility agreed orders were approved.

One hundred nine (109) default revocation orders were approved.

Five (5) deferred disciplinary agreed order were approved.